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WILLIAM MORRIS MEREDITH

1799-1873

by

RICHARD LEWIS ASHHURST,

*Of the Pennsylvania Bar.*

William Morris Meredith was a conspicuous figure in Pennsylvania during the middle fifty years of the 19th Century, and played a highly important part in its history.

It may further be truthfully said that during that time he exercised at certain critical periods a powerful influence and left a distinct impress on the life of the Nation.

Whether owing to the proverbial evanescent nature of the triumphs of the forum, or to the reserve, to call it by no stronger name, so often shown by his State and City in their appreciation of their greatest citizens, there are probably few so great Americans so little remembered outside of Pennsylvania. Born at the beginning of the Century his earnest professional activity covered a period of more than half a century ending only with his

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death in 1873, and during the longer portion of this period he was the recognized leader of the Bar of Pennsylvania, and besides the prominent State and City positions he filled, he had been as Secretary of the Treasury under Taylor the controlling spirit of the last truly Whig administration of the Federal Government.

William Morris Meredith was born June 8, 1799, in the home of his father, William Meredith, in Philadelphia. Law had already taken a strong hold on the Meredith family. William Meredith was a lawyer of some eminence in his day, though better known in later years as the president of the unfortunate Schuylkill Bank; and his younger brother, Jonathan, born in 1782, was for many years a leader of the Bar of Baltimore. Jonathan Meredith lived until 1872, only predeceasing his greater nephew, the subject of our sketch, by a year. Both William and Jonathan were sons of Jonathan Meredith, the elder, who came to America from Herefordshire about 1750, and settled in Philadelphia, where he accumulated a considerable fortune for those days in his business as a saddler. Herefordshire is a hilly western county on the border of North Wales, and the name, Meredith, is distinctly Welsh. So far as is known, there was no connection between these Merediths and the family of Samuel Meredith, who was Treasurer of the United States about the close of the last century. William Morris Meredith's mother was Miss Gertrude Gouverneur Ogden. She was a niece of Gouverneur Morris and of Lewis Morris, a signer of the Declaration of the Independence, and at one time Governor of New Jersey, who were her mother's brothers. Mrs. William Meredith was distinguished for her literary taste and poetic abilities, as well as for her personal characteristics. Both were commemorated by as distinguished a critic and observer as Robert Walsh, perhaps most prominent of Philadelphia's authors during the first half of the nineteenth century, in his well-known work, "Didactics," published in Philadelphia in 1836. He spoke of Mrs. Meredith, in his article on "Female Training," Vol. I, p. 26:

“As a mother, capable of fully educating her children of both sexes; a wife, serving as the efficient counsellor and partner of her husband in all his studies and cares; a friend, anxiously reflecting, judging, feeling, acting for those whom she honored with her regard; a member of the fashionable world, who assembled around her the gayest circles and enlivened external entertainments, without ever losing an hour, or omitting an effort material for the minute administration of a large family; a writer, who displayed a masculine vigor of thought and expression, and literary powers and acquisitions of uncommon value and variety, who wielded her pen without the least ambition or pride of authorship, yet with the utmost intentness and any sacrifice of self, when instruction or comfort could be conveyed, however privately or remotely.”

Mrs. William Meredith died October 9th, 1828. Her loss so prostrated her husband that he never recovered his mental tone, although he survived her many years. He had a slight attack of paralysis in 1827, before her death, and a second, which wholly shattered his powers, somewhat later. He died in 1844. He is said, in the “Lives of Eminent Philadelphians,” to have been noted for the conciliating courtesy of his deportment, for his refined and gracious hospitality, and as a speaker, for the elegance, grace and finish of his diction. Both Mr. and Mrs. Meredith were contributors to *Dennie’s Portfolio*, a Magazine which in the first quarter of the last Century was a prominent feature in Philadelphia’s literary life.

William Morris Meredith was the eldest of a family of eleven children, and after his mother’s death and the breaking down of his father’s health, assumed in large measure, the parental responsibility towards his younger brothers and sisters, which duty he performed as he did all the duties of life—simply, naturally and faithfully, deferring marriage until he was thirty-five years old, although he and his wife had been for many years betrothed. In 1806, when seven years old, he was entered

in the old Grammar School connected with the University, from which he early proceeded into the collegiate department of the University of Pennsylvania, from which he graduated June 12, 1812, at the early, but not then exceptional age of thirteen, with second honor. Mr. Meredith's preparation for the Bar was more deliberate, as he appears to have given five years to study before he was admitted to the Bar in 1817. Mr. James J. Barclay, who was an intimate friend of Mr. Meredith and his senior by some years, in a short memoir inserted in the Report of the House of Refuge for 1874, says that for some time after graduating, Mr. Meredith continued to study *belles lettres* and the Greek and Latin classics, before he commenced the study of law in his father's office. He was but eighteen years old when admitted to practice at the Bar as an attorney. Practice, however, did not come quickly to him. He often related that he had been ten years at the Bar before he earned enough to pay for his coats, or office rent, and it was still longer before his success became marked.

Meredith did not find this long period of waiting an easy one. At one time he seriously contemplated giving up both the law, and his native Commonwealth and going to New Orleans to engage in mercantile pursuits. Fortunately for the State and for the Bar, he persevered. The enforced leisure of his patient waiting was given mainly to profound and incessant study. There was probably no part of the Common Law as set forth in the Reports or the Statutes which he did not explore, and for him, with his phenomenal memory, to examine and study was to remember. He read the Reports—the whole body of the English Reports—from the Year Books down to the days of Mansfield and Blackstone from end to end. With the reports of our own State he was as familiar as with the State Trials, which he knew almost by heart. He did not much love the study of Civil Law; it was the Common Law which was the chosen object of his affectionate study. He was very fond of the quaint old book of "Doctor and Student" in which a doctor of Civil Law

discusses with a student of Common Law the comparative merits of the respective systems and in which the student uniformly triumphs over his learned antagonist. He recommended it to his students for light reading after having given the due number of hours to serious work. His opinion was that the further one went back in the old digests and in the Year Books, the nearer he would get to the true source of the Common Law undefiled by extraneous admixture. He thought that in the old black-letter columns the first difficulty, that of mastering the crabbed lettering and abbreviations was the greatest; that the Norman French of the old reports was simpler in words as well as construction than modern French, while the thought was usually simply and clearly expressed, so that the difficulty was principally on the surface. He was very fond of Brookes' Digest of the Year Books, which is certainly an admirable guide, particularly on questions of pleading. He delighted in Littleton on Tenures, which, he said, was the only law book ever written which contained not a single erroneous statement or proposition, and deserved also the highest commendation for its lucidity; I am sure he knew it by heart. For Coke's Commentary on Littleton he cared much less. He found Lord Coke obscure, discursive, unsystematic and sometimes mistaken. He considered that down to the time of Queen Elizabeth, lawyers and judges wrote and spoke clearly and lucidly and the study and ascertainment of what the law was, was therefore comparatively easy and simple; but that with the increase of learning as well as the complication of human affairs English jurists became apparently dissatisfied with the simplicity and clearness of their law as it stood; and imported into their treatment of legal questions a complication and obscurity, which did not really belong to the subject matter, and for affectation of learning, often made that doubtful, which had been clear. So that he thought the difficulty and obscurity of English law books took its rise from the days of Coke and Bacon.

While waiting for practice, like many other great law-

yers, he tried his hand in the defense of prisoners in the criminal courts, and one of these cases led to an important episode in his life, as well as to his first appearance in the Supreme Court of Pennsylvania.

This was the case of *Commonwealth v. Cook* and others, decided at Philadelphia, Monday, December 2, 1822, and reported in 1 S. & R. p. 577. The case had considerable importance in itself and has a special interest as showing the resolution and firmness of Mr. Meredith's character as well as his rightly placed confidence in his own judgment.

Mr. Meredith in later life, while duly respectful, was never subservient to the Courts, and always maintained the independence and dignity of the Bar. The absolute fearlessness and indifference to consequences which always characterized him, and the ardent temper and burning hatred of oppression, which even in his later years he had sometimes difficulty in controlling, carried him far on this occasion, but the feeling of the Bar and of the community after it had recovered from its first excitement was with him. He was right in his Law as the subsequent decision of the Supreme Court shows, and the very severity of the action of the judge indicated a conscience not free from self-accusation.

The case was this: Three colored men, Cook, Caldwell and Ross were indicted on a charge of murder, growing out of the following circumstances: Three negroes had broken into a house in the late afternoon or early evening, and beaten and abused some of the inmates and stolen some articles from the house. From the effects of the injuries received, a boy, Samuel Alwyne, died. The prisoners were brought up for trial in the end of April before a Court of Oyer and Terminer held by the judges of the Court of Common Pleas of Philadelphia County, the prosecution being conducted by the Attorney General, Mr. Kittera and the defense by Mr. Meredith, Mr. J. C. Biddle and Mr. Dunlap. Mr. Meredith was at that time twenty-three years old, and had been admitted to the Bar for about five years. Mr. Biddle was somewhat

older, an intimate friend and companion of Mr. Meredith and afterwards his brother-in-law, both of them having married daughters of Michael Keppele.

There was a serious question as to the identity of two of the prisoners, Caldwell and Ross; as to Cook there seems to have been less doubt of his identity and as it appeared that he struck the blow which ultimately proved fatal to the boy, the question in his case was principally with regard to the grade of the offence whether murder in the first or second degree. The trial of the case was conducted by the defendant's counsel apparently with great ability and vigor, and considerable friction was developed during the trial between Judge Hallowell, who presided, and the younger counsel for the prisoners, Messrs. Biddle and Meredith, especially on the question of the right of the jury to determine for themselves whether or not the grade of the offense was murder in the first or second degree, or whether they were bound to take the instructions of the Court on this point. The judge in his original charge told the jury that they had the physical power to render a general verdict as to the grade of the offense, intimating that they had not the right to do so. The counsel for the prisoners insisted that the jury had the legal right to settle the grade of the offense and the judge finally modified his charge so as to tell the jury simply that they had a right to settle the grade of the offense without saying whether a legal or merely a physical right.

The jury went out in the evening of the second of May; they came in several times with the report that they were unable to agree as to all the prisoners, but stated that as to two of the prisoners they had agreed to a verdict, while as to the third they had not agreed, nor was there the least probability of their agreeing. It afterwards became known that the two as to whom they had agreed were Caldwell and Ross, whom they proposed to acquit, while as to Cook eight of them desired to find a verdict of murder in the second degree, and four, following the views of the Court, in the first degree.



Finally, after the jury as above mentioned, had come in several times and after they had been out fifteen hours, they were discharged by the decision of a majority of the court, without the consent and against the protest of the prisoners' counsel. This was on the morning of Friday, the third of May. The outside feeling against the prisoners was strong and the public mind much excited.

On Monday, May 6th, an indictment against the same defendants for assault and battery on one of the other inmates with intent to murder, was called up. Mr. Biddle asked a postponement on account of the excitement existing against the defendants. The court denied the motion and the calling of the jury was begun, but was not concluded when the court changed its view, and on Mr. Dunlap's renewing the motion for postponement because of the excitement against the prisoners, granted a continuance. The Attorney General then announced that he would try the defendants on the following day on an indictment for burglary, which had also been found against them.

On the following day, Tuesday, May 7th, there appeared in a paper published by Mr. Zachariah Poulson, known as the *American Daily Advertiser*, a long sketch of the trial, which the prisoners' counsel considered reflected unfairly upon both the prisoners and their counsel, and unfavorably affected the prisoners' prospects in the event of any future trial. This article Messrs. Meredith and Biddle attributed, and subsequent events seem to show, with justice, to Judge Hallowell, the President Judge.

When the court opened that day Mr. Meredith called attention to the publication in *The Advertiser*, which he characterized as a gross offence against public justice, and a serious injury to the prisoners' rights, and asked the court to grant an attachment against the printer; and this being refused, to instruct the Attorney General to indict him. Judge Hallowell was much incensed at the application and the discussion of the matter between the court and counsel was quite acrid. The court refused

to make any order and Judge Hallowell vindicated the publication, saying there was no reason why what had been done publicly should not be published. The counsel for the prisoners urged the publication and the prejudice of the public mind, as a ground for the continuance of the indictment for burglary, but in vain.

The case then being put on trial the selection of a jury began. The jurors were examined with vigor and some acerbity by the prisoners' counsel on the question of their having read the publication, its effect on their mind, and its effect on their probable verdict. The court refused to sustain any of their objections, driving them in each case to the use of peremptory challenge. Finally one of the jurors, probably encouraged by the language of the judge, replied to Mr. Meredith when asked whether he had a bias against the prisoners, "I have more against you."

Mr. Meredith called the attention of the court to this insolence of the juror and demanded his punishment and exclusion from the jury. The judge affected not to have heard the remark, but when it was repeated to him, refused to consider it as a ground for challenge.

Mr. Meredith then said, "I thank my God that we can challenge peremptorily, and do ourselves that justice which the court deny us. I have never known any court of justice guilty of such gross violation of its duty, in refusing to punish the insolence of a juror to counsel in the discharge of their duty."

Judge Hallowell said, "Take care, sir, we will punish you." Mr. Meredith replied that he was prepared to meet the consequence, and if he had been guilty of any offence the court might punish him.

Subsequently there was a further angry collision between the court and Mr. Biddle.

The case proceeded and was concluded, and when the court met on the afternoon of the next day, Judge Hallowell said the court had received the day before from two gentlemen, members of the bar, a high affront, and after refusing to hear any explanation or argument,

adjudged that William M. Meredith and James C. Biddle should be committed to prison, in the debtors' department, until the first day of June for a high contempt of court in the presence of this court, obstructing the administration of justice. Again refusing to hear either Mr. Meredith or Mr. Biddle, and threatening to increase their sentence if more was said, Judge Hallowell ordered the sheriff to carry the sentence into immediate execution and take the gentlemen into custody, which was done. They remained in prison until June 1st, the expiration of their sentence, when they were discharged. While in prison they were in receipt of constant manifestations of public sympathy, the excitement against the prisoners which had existed at the time of the trial, having given place to admiration for the bold and manly stand taken by their counsel, in the maintenance of the prisoners' rights and their own dignity.

The prisoners were again called for trial on a new indictment for murder at the fall term of the court of Oyer and Terminer. It was, however, on this occasion held by two judges of the Supreme Court according to the then frequent practice, Chief Justice Tilghman and Judge Duncan being upon the bench. Mr. Meredith for the prisoners filed a special plea in bar, reciting the proceedings at the former trial, and insisting that they were in law equivalent to an acquittal and entitled them to a discharge, and that it was contrary to the Constitution of the United States, the liberty of the citizen and the laws of this Commonwealth that they should again be put in jeopardy of their life for the same offence. To this plea the Attorney-General demurred.

The demurrer was argued November 22d and 23d. The judges concurred in holding that the action of the Court of Common Pleas at the May term was absolutely invalid, that the court had no right to refuse to receive the verdict the jury was ready to render as to two of the prisoners, and that that verdict must be presumed to have been a verdict of acquittal, and that they were entitled to the same benefit as if they had been once

acquitted: and with regard to the third prisoner, as to whom the jury had not agreed upon a verdict, they held the court had no authority to discharge the jury without and against the consent of the prisoners, unless in a case of absolute necessity, which was not shown to have existed. The judges were careful to spare the feelings of the court below as far as possible, Chief Justice Tilghman saying: "I think it proper to declare that I have no doubt of the integrity of the court by which this jury was discharged;" and Judge Duncan saying, "When I speak of the abuse of their power I am very far from supposing the court intended to oppress the prisoners." The result of the case, however, could not but be regarded as a signal triumph for the counsel for the defendants, and a vindication of their course.

Not long after this occurrence Mr. Meredith made his first entrance into political life. From his early days a convinced Federalist and Whig, as he was in his later career a steadfast Republican, he always took a warm interest and active part in politics, and a part of his preparation for his subsequent career was his service for five years from 1824 to 1828 inclusive in the lower house of the Pennsylvania Legislature.

Chief Justice Sharswood who served with him in this Legislature has said that though so young a man and the head of a small Federalist minority, Meredith was virtually the leader of the House during the years he was a member of it. Judge Cadwalader, Meredith's lifelong political opponent, paid a high tribute to his political career, and attributed much of his success to his practical familiarity with politics in his youth. He said in his speech at the bar meeting, after Mr. Meredith's death: "He should be recollected in the relation not merely of an educated but a practical statesman. He came into life inheriting the principles of the old Federalist party, and cherishing a sincere love for those principles, and he adhered to them with a consistency worthy of imitation by all who in their public relations claim to act upon well regulated principles. He was what would

be vulgarly called a politician; but with him it was the conduct of a dutiful citizen; and in all his political relations he served his country; and this he thought he did most effectually by serving his party. He was the truest man to party organization I ever knew, and I believe the sincerest; but no man ever saw any political subject belittled by his view of it. Mr. Meredith did not believe that the government of a free country could be administered without strict adherence—close, obedient adherence—to party organization. Upon this depends the liberty of a free country.” “Through his primary training as a statesman instead of working from below upward to the principles of jurisprudence and of legislation he was able to look from above downward. Hence, the remarkable example was seen in him of a man who dealt with the greatest facility with those subjects which to others, less experienced, were proportionately of the greatest difficulty. With every question of public law, of statesmanship, of general jurisprudence whenever it arose, he was at once familiar. For that reason I think that all efforts to exemplify the professional course of Mr. Meredith by reference to particular cases exhibit his character imperfectly, because it was the general, uniform, complete organization of everything which was useful in its elements, combination and effects, both in jurisprudence and in the practice of his profession, which was his most prominent characteristic.” These characteristic remarks of Judge Cadwalader, while few of us can perhaps accept them in their entirety, contain certainly valuable truth, and I think them helpful in viewing Mr. Meredith’s career.

Among other valuable legislation which Pennsylvania owed to Mr. Meredith’s early service in the legislature was the incorporation of the House of Refuge, an institution for the reform and education of juvenile delinquents, which was due to his efforts. This was a very advanced step in penology for 1828, and one which has been prolific of good for three-quarters of a century. He became a manager of the House of Refuge, when he declined re-

election to the legislature in 1829, and in the same year became a director of the Pennsylvania Institution for the Deaf and Dumb. His connection with and active interest in both these great charities continued until his death.

In 1830, a number of the younger members of the Philadelphia Bar commenced the publication of a legal magazine, the *Journal of Law*. It was issued once a fortnight, and its publication continued for about a year. Its form was a rather small octavo. Among the association of members of the bar who conducted this magazine and contributed to its pages were Mr. Meredith, his friend, Mr. James C. Biddle, whom I have had occasion heretofore to allude to, Mr. George M. Wharton, Judge Hopkinson, of the United States Court, Wm. T. Dwight, James S. Smith, John M. Scott and Joseph R. Ingersoll. The articles were unsigned, and the record of their authorship is derived from the manuscript notes of the late Edward Hopper. Mr. Meredith wrote the introductory article in the first number. It is remarkable, I think, as showing a recognition at that early day, of the evils arising from the varying systems of jurisprudence of the different states, and the importance of that effort at uniformity which, after so many years, has enlisted the deep interest of the American and State Bar Associations.

"In the United States where THE PEOPLE exercise so controlling an influence on legislation, it is emphatically necessary that THEY should be, to the greatest attainable extent, instructed in the philosophy of general jurisprudence, and in the state and leading principles of our own. Unless such instruction be widely diffused, what is good in our system cannot be secure from innovation; what is evil cannot be properly amended.

"It is believed, too, that any effort must be deserving of encouragement which may tend to produce a greater degree of uniformity in the regulations of the different states, on those subjects which are not of merely local interest. In our private intercourse and relations of business, or otherwise, we are one people, while as far as regards the laws by which our conduct and contracts are for the most part regulated, we form twenty-four distinct communities, in each of which a rule of action is prescribed, differing more or less from that which prevails in any of the others. Inconvenience from this source, to a certain extent, is already felt; and unless the dissimilarities and contradictions of our respective codes be prevented from increasing, inconvenience to a much greater extent must be expected."

Among numerous other articles due to his pen in the *Journal* is one on the "Uncertainty of the Law," from which follows an extract.

"At the present day every man has a fling at the uncertainty of the law. Yet upon investigation it would appear that in at least nine cases out of ten, the uncertainty complained of is not in the LAW, but in the FACTS to which it is to be applied. The law has sins enough of its own to answer for;—defects sufficiently abundant—contradictions—doubts—even absurdities, which ought to be removed or amended,—but, with all these, we repeat, that in proportion to the number of disputes which arise between man and man, there are very few cases in which, if the facts were clearly ascertained, any respectable member of the profession could not, without hesitation, say what would be the law.

"The event of LITIGATION is indeed almost always uncertain: the LAW rarely so. Nor could any plan be devised for destroying this quality of litigation. If the most minute, distinct, and intelligible rule were laid down for every variety of possible circumstances (which, by the by, never has been or can be done,) there would remain sources of uncertainty almost as fruitful as those which now exist. For after all, what would be the rule of law proper to be applied in any case would depend entirely upon the *facts*, and those facts must be proved by human testimony, and to the satisfaction of a human tribunal; the testimony and the tribunal being both human, therefore both fallible;—the *former* liable to incorrectness or incompleteness occasioned by intentional falsehood, imperceptible bias or defect of memory—the *latter* (throwing out of view wilful error as of rare occurrence) equally liable to misdecision from prejudice, misapprehension or defect of judgment.

"These are faults not of this or that particular system, but of human nature. They will be entirely cured, whenever mankind shall be rendered perfect in honesty, memory, apprehension and judgment, but not till then. Meanwhile, can human wisdom afford no alleviation of the evils actually arising from this source? Yes—a great deal, by so shaping the law of evidence as to facilitate, as much as possible, the investigation and discovery of the truth. The law cannot compel a liar to tell the truth, nor a weak man to tell it correctly, but it may provide such a mode of extracting the testimony as shall be best suited for the detection of the first, and the correction of the second, and it may at all events take care that the natural and necessary difficulties of the inquiry shall not be increased by arbitrary and absurd rules for the exclusion of any light which might have been useful. This is a vast and most interesting subject,—one which we have merely hinted at now, but intend to consider at large hereafter. It is in this branch of the law, if in any, that reform, *radical reform*, is wanted."

These were very advanced views as to evidence, for 1830, and were not adopted until many years later. The *Journal* also contains some very amusing articles from his pen showing the humor for which he was so remarkable.

During the years preceding 1834 Mr. Meredith's office

had been with his father's, at S. E. corner of 6th and Market, in the bank building of the Schuylkill Bank, and he lived with his father at the southwest corner of Chestnut and Tenth, where afterwards the Assembly Buildings stood.

He was married June 17, 1834, to Catherine, daughter of Michael Keppeler, of Philadelphia, to whom he had been engaged for some ten years, and soon afterwards removed both his office and his residence to 9 York Row, on the south side of Walnut, below Eighth. In the previous year, 1833, he had been elected a member of Select Council, and in 1834 was chosen President of that body, which position he continued to hold by successive re-election until he accepted the Secretaryship of the Treasury in 1849. Select Council being then elected by general ticket, and from the old city proper, was composed of the leading citizens of Philadelphia, and to be President of that body was a great distinction. Mr. Meredith's success at the bar, as has been mentioned, was slowly won, and it was not until after he had been many years at the bar, that his practice became large and lucrative. His early triumph in the case of *Commonwealth v. Cook* in 1822 has been mentioned, but success in the defence of prisoners brings more fame than emolument, to a conscientious and tender-hearted lawyer. His years of service in the legislature also of necessity delayed the growth of his practice. There was a tradition for many years that Mr. Meredith's success began with the celebrated case of *Commonwealth v. Allmyer* reported 1 Wharton, 470, the case which established the rights of the State and City in Franklin Square, against the German Lutheran Church, which claimed a portion of that square for interment, under a grant from Thomas Penn. According to this tradition his success dating from that case was sudden and immediate, and he sprang at once from a very limited to an enormous and most lucrative practice, so that he was from that time until he went to Washington in 1849 counsel for one side or the other in every important case.



There is no question of the importance of the case, nor of the striking ability with which it was prepared and argued by Mr. Meredith; and it is equally clear that the conception of the course of proceeding adopted was brilliant—but it is not the case, I think, that it marked the turning point of his career, nor that his professional success took its beginning from that case. Being of a public nature and one of importance to all citizens it drew more attention than his other successes; but at the time it was tried he had already emerged from the ranks and his successful career had markedly begun. *Commonwealth v. Allmyer*, took its beginning in the Mayor's Court of Philadelphia in June Sessions, 1834, when an indictment was found against Allmyer and fourteen others for maintaining a nuisance in the erection of a fence and wooden building in the northern part of Franklin Square. This indictment was, according to a not unusual practice in those days, removed by certiorari to the Supreme Court, where the indictment was tried before the Chief Justice March 14th, 1836; and the motion for new trial was refused by the Court in Banc, April 20th, 1836, which ended the case. Mr. Meredith was at this time in his thirty-seventh year—hardly, therefore, a very young man, and had been at the bar nineteen years—fourteen years earlier he had shown his courage as well as his learning and skill in *Commonwealth v. Cook*. In the interval he had been for five years a leading member of the legislature. After he declined re-election in 1829 his practice had been gradually increasing, and for the last two years with great rapidity. In 1 Rawle, covering 1829, 2 Rawle, containing cases decided in 1830, 3 Rawle, containing cases of 1831–2, and in 4 Rawle, containing cases of the years 1832–1833, Mr. Meredith's name appears once as counsel in each volume. In 5 Rawle, however containing cases argued in 1834–5, Mr. Meredith's name appears as having argued five cases—some of them quite important, and in 1 Wharton containing cases disposed of in December term, 1835, and March term, 1836, Mr. Meredith's name ap-

pears as having argued fifteen out of a total of 120 cases reported. Of these *Commonwealth v. Allmyer* is the last decided, and it appears as far as I can judge to have been among the last in its origination, except, perhaps, the case of the Philadelphia Savings Association, which was decided on the same day also in Mr. Meredith's favor—he representing the depositors in their claim for membership against the stockholders. Of these earlier cases reported in 1 Wharton several were of considerable importance, and Mr. Meredith represented important clients. I may mention the cases of the *Union Canal Co. v. Young*, tried March 1, 1836, and decided April 14, 1836, and the case of *Spring Garden v. The Northern Liberties*, decided January 5, 1836, but in which suit was begun certainly as early as 1833, and in which Mr. Meredith represented the township of the Northern Liberties, in a contest as to the ownership of the wharves and landings on the Delaware, near Callowhill street. It is therefore apparent that Mr. Meredith's industry, learning and ability had already brought him into the front rank of the younger bar, when the Franklin Square proceeding was begun. Early in the year, 1834, he had married and set up his own house and office in York Row (Walnut, below Eighth). These circumstances, viewed in connection with what is found in the reports would seem to show that his practice in the years preceding 1834 must have become sufficiently lucrative to enable him to support a household, and that his success, legal and political, had brought him well into the public view by this year, when he became President of Select Council. His position in Councils as well as his representation of the Northern Liberties, made his selection to conduct the case for the deliverance of Franklin Square, from the occupation of the German Lutheran congregation a natural one. Mr. Joseph R. Ingersoll took part in the case as senior counsel, and Mr. Edward Olmstead assisted as junior, but seems not to have participated in the argument. Tradition gives Mr. Meredith the whole credit of the victory, as tradition gives to Mr.

Binney the whole praise for the city's triumph in the Girard will case.

This case, as to Franklin Square, however, is of so great importance and Mr. Meredith's success in it so striking that it is worth while to give a brief account of it, correcting some common errors. The ground of the proceeding was the dedication of the five great squares of Philadelphia to public use by William Penn as shown by Holmes' map and fortified by other documents, collected with great industry and marshalled with the greatest skill. The German Lutheran congregation, of which the defendants were officers, claimed under a deed from Thomas Penn made in 1741. The managers however, had not accepted the grant at that time, nor until twenty-two years later, viz., December 9th, 1763, when they paid the balance of the consideration money and received a warrant; from that time the possession of this northern part of the square as a place of interment had been without interruption in the congregation. They had in fact extended their interments beyond the limit of the Penn warrant. In March, 1800, the city had brought an ejectment. In 1801 it was marked settled and discontinued, on the congregation giving up the region beyond their warrant, the agreement and discontinuance to be without prejudice to the city's right. It is not therefore correct to say that the city had been previously defeated in the litigation. The litigation had been suspended with a view to negotiation and with a stipulation that the delay should not be taken advantage of by the Congregation. And the negotiation had been spasmodically renewed during the interval of thirty years. It was, however, the case that the lapse of time, between say 1763 and 1801, during which the congregation had been in peaceable possession, constituted a formidable obstacle in the city's path, and but for the thought of proceeding in the Commonwealth's name, so as to take advantage of the rule "*Nullum tempus occurrit regi*," it is very doubtful if a successful issue could have been hoped for.

The indictment came up March 14th, 1836, for trial before Chief Justice Gibson in the Supreme Court, to which it had been removed by certiorari. After the evidence was closed the defendants submitted to a verdict being taken against them, on the charge of the Chief Justice in favor of the prosecution on all points, in order to have the full benefit of their defence in Banc, when the case was to be considered on the whole evidence. There was, therefore, really no appeal to the jury, and Mr. Meredith's wonderful powers over a jury were not brought into requisition. Nor was there any writ of error. The real argument was before the Supreme Court in Banc on the motion for new trial, when the case was elaborately argued by Mr. Meredith and Mr. Ingersoll for the Commonwealth, and by Mr. Randall and Mr. Sergeant for the defendants. Judge Sergeant delivered the opinion of the court refusing a new trial, and sustaining the Chief Justice's charge—holding Thomas Penn's grant void, as inconsistent with the original dedication, and that lapse of time furnished no defence for an encroachment on a public right. This decision was final, ending the controversy. The square has remained public ever since, and there is no doubt or question that from 1836 until he accepted the position of Secretary of the Treasury, in March, 1849, Mr. Meredith was a leader of the bar of Philadelphia. In the earlier portion of the period he had still to compete with such men as Binney, Chauncey and Sergeant, but in the later years of this period his leadership was undisputed, although he had as competitors such men as Henry J. Williams, John Cadwalader, Thos. I. Wharton, Ferdinand Hubbell, David Paul Brown, George M. Wharton, William W. Haly, some his contemporaries and some his seniors; and such younger men as Peter McCall, George W. Biddle and St. George Tucker Campbell, were beginning to come to the front. Judge Cadwalader, in his address at the bar meeting held upon Mr. Meredith's death, stated that when Mr. Meredith came to the front of the profession, it had become the habit of the bar to speak from very copious briefs, and

in many cases they read their speeches. Judge Cadwalader said the restoration of true extemporaneous speaking was due to Mr. Meredith, who, depending upon his extraordinary memory, was able to make his most important arguments either without notes or with the aid of a few points only jotted on a slip of note paper. Certainly no one who had the privilege of hearing his wonderful oratory ever saw him use much more than a half sheet of note paper, and often not that. He spoke absolutely extemporaneously, and without any verbal preparation. The substance of his argument on the questions involved had of course been considered, and his memory furnished him with the needed references, but for all else he depended on the inspiration of the moment. That eminent and exemplary model to the legal profession, Mr. Peter McCall, at the same meeting, said:

"Mr. Meredith's was a master mind—a mind that reached by intuition what ordinary men attain by tedious process. There was in him a combination of faculties and powers such as is rarely found united in one man. Sound judgment with wonderful memory, and marvelous almost lightning-like rapidity of perception, a subtle and discriminating genius, a faculty of logical deduction, a faculty of speech which could persuade a jury or command a Senate—all this he possessed. Saturated with the principles of the law, when new cases arose on which precedent shed little if any light, when reasoning from analogy became important—or in any emergency or difficulty—such were his readiness and fertility of resources that his services were invaluable. His eloquence was of the Demosthenian order. He did not stoop to gather the flowers of rhetoric, but in terse and vigorous Saxon English, without verbiage or repetition, he addressed himself to the understanding of his audience. He was capable of pathos and had the weapons of wit and ridicule at command. Seizing at a glance the strong points of his own case and the weak points of his adversary, he did not dissipate his strength by skirmishing on minor points, but concentrating his forces on the strong point of his case marched on to victory."

Theodore Cuyler, himself a great advocate, said of Mr. Meredith that in him were garnered up the rarest gifts of advocacy he had ever known.

"Vast learning, wonderful logical power of mind, skilful analysis, powerful sarcasm, a fund of humor that moved your heart and feelings so that you scarce knew whether to laugh or to cry; a power to mold other men's minds into sympathy with his own, and to work out the persuasive results of the great advocate, surpassing those that I had ever known to exist in any one individual. He played upon the heart-

strings of a jury as some skilfull player upon an instrument sweeps its chords and renders them vocal with the sympathies which for the time move his own heart."

It is not surprising that he became *facile princeps* at the Bar, and that, for a number of years preceding his call to Washington, no important cause was argued in the state in which he was not retained on one side or on the other. His large and increasing practice did not, however, stifle his interest in politics, or divert his mind from public life or prevent his giving his best services to the Commonwealth. He was a member of the Constitutional Convention of 1837 which framed the Constitution under which we lived until 1874 and took an active and leading part in its deliberations. Mr. Darlington, who served with him in that convention as well as in the more recent one of 1873, related that during the whole period of its sessions, covering many months, he was constant in attendance and earnest in its work. He opposed many of the changes made by that instrument, clinging with affection to the Constitution of 1789.

He supported, however, the insertion of the word "white" as a qualification of suffrage. Strongly hostile to slavery as were his feelings and convictions, he was always opposed to giving the suffrage to voters who would, he believed, be ignorant and readily influenced. Mr. Meredith had been a Federalist and was a convinced Whig and Protectionist, but he was unaffected by the Anti-Masonic movement then at its height, and had no sympathy with it. In the Constitutional Convention, therefore, he came into frequent collision with Thaddeus Stevens, the leader of the Anti-Masonic party, and the debates of the convention contain many passages between them, in which Thaddeus Stevens certainly did not come off first, even in the play of wit and sarcasm. Chief Justice Woodward, himself a member of that convention, said he never witnessed a debate which could compare with one he described between Meredith and Stevens; and said that on that day Thaddeus Stevens' batteries were silenced utterly. It is gratifying to know that the

personal relations of Mr. Meredith and Mr. Stevens were never affected by their controversies, but were always of the friendliest character. With the triumph of the Whig Party in 1840, when General Wm. Harrison was elected President by so large a majority, Mr. Meredith's devotion to its principles and services to its cause, as well as his professional skill, were recognized by his appointment as United States District Attorney at Philadelphia. He took the office March 25, 1841, but was not destined to hold it long. It seemed fated that Mr. Meredith's public service under Whig Presidents, should be determined by their death, and the accession of Vice-Presidents with whom he had little sympathy. He continued to serve for a time under Tyler, but sent in his resignation in April, 1842; no action being taken on it, he wrote to Washington in the May following, requesting the immediate acceptance of his resignation, which was accepted accordingly and a successor appointed May 13, 1842. During this period Mr. Meredith accumulated from his practice a handsome competence, despite his absolute disinterestedness and indifference to pecuniary gain. Mr. McCall well said of him: "He set his face like a flint against the practice of taking contingent fees—insisting that it tended to degrade the profession—and never took one. He was a man of scrupulous integrity—nay, even of extreme sensitiveness—in money matters. I have known him on more than one occasion to return a considerable fee which he might with perfect propriety have retained." A conspicuous instance of this occurred in the celebrated case as to the validity of the will of Stephen Girard, argued in 1844 before the Supreme Court of the United States. Mr. Meredith was engaged with Mr. Binney and Mr. Sergeant to argue the case in Washington, and their fee was fixed by Councils, at \$10,000 each. When the case came up for argument before the Supreme Court, it was found but two counsel could be heard, and the case was therefore argued for the city by the two seniors, Messrs. Binney and Sergeant, and Mr. Meredith could only sit by. He had taken his

full share in the preparation of the case, but returned the fee of \$10,000 when sent him, saying he preferred not to take it, as he had not the opportunity of earning it. When it is remembered that he was at the time President of Select Council, the delicacy of feeling which prompted this action can be understood.

By a singular chance for those days the Legislature in the following year 1845 had a Whig majority but unhappily Mr. Meredith was defeated for the United States Senate by Mr. James W. Cooper. His mastery in politics as well as law, his marvelous skill and readiness in debate, his eloquence and his humor and his noble and courageous character would have made him an ideal senator and easily the greatest representative Pennsylvania has ever had in the Halls of Congress.

During this period of his successful practice Mr. Meredith purchased in August, 1845, a small country seat near Lancaster known as Wheatland, which he and his family occupied for some four summers as a country residence. In November, 1848, he sold it to Mr. Buchanan for the same price which he had paid for it some years previously. As he had purchased it without view of pecuniary advantage Mr. Meredith declined to profit by the enhancement of its value during the period of his ownership. In Mr. Buchanan's ownership its name seems to have assumed a plural "s" and Wheatlands became a familiar sound in the public ear as Mr. Buchanan's abode. Curtis' Life of Buchanan contains some pleasant correspondence between Messrs. Buchanan and Meredith on the subject full of kindly regard and mutual consideration.

It would be impossible within the limits of this sketch to allude to even a few of Mr. Meredith's forensic triumphs during this period of his greatest activity at the bar. It came to a close when, upon the return of the Whig Party to power by the election of Taylor and Fillmore in 1848, General Taylor invited Mr. Meredith to take the position of Secretary of the Treasury in his cabinet. John M. Clayton, of Delaware, was Secretary



of State, and Reverdy Johnson, of Maryland, Attorney-General. It might at first excite surprise that Mr. Meredith did not occupy this position rather than the higher one of Secretary of the Treasury. His consistent and successful championship of Protection however made him the logical Secretary of the Treasury. He accepted the position and abandoned his splendidly successful practice at its height, at the call of public duty. He committed the charge of his practice to his friend, Mr. George W. Biddle, and removed with his family to Washington, where he occupied the house just below St. John's Church, opposite Lafayette Square, since known as the Coleman House. The relations between the President and his Secretary of the Treasury and between their families became very close and intimate, so much so that on General Taylor's unhappy demise Mrs. Taylor and her daughter at once accepted Mrs. Meredith's hospitality and remained at the Meredith house until they quitted Washington.

Among the most important matters which arose in the cabinet during the brief period of General Taylor's administration were the Clayton-Bulwer treaty with Great Britain and the question of the admission of California to the Union as a free state. The responsibility for the Clayton-Bulwer treaty and the honor or censure due for its negotiation must, of course, belong to the Secretary of State. Mr. Meredith opposed the treaty in the cabinet, deeming it deceptive and its benefits illusory, and its submission was delayed for some time by this opposition.

During his official term, retaining the disapproval he had so strongly evinced in 1822 of the growing passion for newspaper notoriety, he endeavored to check the habit of persons holding official positions writing for the newspapers, and issued an order prohibiting the clerks in his department doing so. A Mr. Robinson had acquired so considerable a reputation as correspondent of a New York paper that he persisted in keeping up his relations with it. Mr. Meredith accordingly removed him, to his great surprise and indignation.

With regard to California, Mr. Meredith strenuously and persistently contended for its right to admission as a free state, untrammelled by any conditions or compromises, and succeeded in impressing his views on the President, and a majority of his colleagues in the cabinet. General Taylor, though a southerner and a slaveholder, was, like Mr. Meredith, an anti-slavery man in feeling and judgment, and from his southern birth was able probably, to stand out the more steadfastly for what he thought right, against both the blandishments and the threats of the Pro-Slavery Party in Congress. I believe there is no doubt of the fact that when the question of slavery extension became a burning one in Congress, Henry Clay, then the Whig Senator from Kentucky, waited upon the President and on behalf of the southern Whigs asked and almost demanded, that W. M. Meredith should retire from the cabinet, as being obnoxious to their unanimous sentiment. The President, however, was firm in his refusal, saving the cabinet could not exist without Meredith, whom he regarded as its balance-wheel.

Mr. Meredith's was a mind constitutionally opposed to compromise when principle was involved. As shown by his beautiful eulogium of John Sergeant delivered a year or two later, he had been opposed to the Missouri compromise in 1820, and praised Mr. Sergeant's consistent opposition to that measure or to any permission of slavery extension. This eulogium is important as emphasizing the three great articles of the Whig faith as Mr. Meredith understood it,—protection to American industry, the fostering of internal improvements and hostility to any extension of slavery.

It goes without saying that Mr. Meredith was strongly hostile to the Fugitive Slave Law which was a leading feature of the compromise legislation of 1850. He never accepted it as a constitutional enactment. A few years later, when the writer was studying law in his office, and public sentiment in the north was much wrought up over the frequent proceedings for the return of alleged fugitives from slavery under this statute, he asked Mr. Mere-

dith what he thought of the constitutionality of the statute. He said in reply he had once seen a poor ragged negro bound and haled by a rope by several men through the streets, and followed by a crowd of hooting men and boys. The negro had fallen or thrown himself down and been dragged over the stony street and was covered with blood and dirt; the ropes, tightened by his struggles, cut his hands and wrists, which were also bleeding. His screams and prayers for release rent the air. On inquiry he heard the unhappy black had been ordered by an United States Commissioner to be returned to a master in Virginia. From that time Mr. Meredith said he had felt no doubt that the law was unconstitutional! This was not very different from his friend, Mr. Seward's expression of the "Higher Law" which a little later caused so much excitement. At other times, however, he expressed his view in different language. He never accepted the case of *Prigg v. The State of Pennsylvania*, in which his uncle, Jonathan Meredith of Baltimore, represented the appellants, as good law. While he recognized the constitutional duty of returning fugitives from labor under the Constitution, he maintained the States had the right of determining for themselves the facts and allegations on which the claim for the extradition of one of their residents was based, and that the summary provisions of the Fugitive Slave Law were in violation of the Bill of Rights and the Reserved Rights of the States. Mr. Meredith, while he was a Federalist in the days when there were Federalists, held constitutional views quite different from those of some supporters of Federal power, then and since.

There could therefore be no hesitation in Mr. Meredith's mind as to the questions of 1850. He did not then believe in the existence of real danger to the Union, but maintained that if northern statesmen would stand firm to their convictions of duty, the south would recede from its threatening attitude in which it was encouraged, he thought, by the weakness of northern politicians. On one occasion during this period when Mr. Toombs was

indulging in loud-mouthed threats as to what the south would do, Mr. Meredith replied he wished they would leave off their damnable grimacing and begin. It was Mr. Meredith's conviction that had a firm policy been then pursued, the party of secession would have been easily repressed, not having then gathered the strength it subsequently acquired through two pro-southern administrations. He succeeded in holding the President and a majority of his colleagues up to the measure of his convictions, and had it not been for General Taylor's lamented death in July, 1850, the course of American history might have been widely different. Mr. Meredith had prepared during the spring or early summer, a message for the President to Congress, urging the passage of the appropriation bills then pending and the immediate admission of California to the Union. The President intended to send it in immediately after July 4th, but his fatal illness prevented his doing so. Shortly after his death the members of the cabinet, with the exception of Mr. Clayton, who was abroad, waited on President Fillmore in a body and tendered their resignations. The President asked them to retain their portfolios. Mr. Meredith, who in Mr. Clayton's absence was their official spokesman, asked Mr. Fillmore if it was the intention to pursue the policy of the late administration. Mr. Fillmore replied that it was, with certain modifications. Mr. Meredith understood what that meant and insisted on his resignation, as did the rest of the cabinet, and they left office July 20th.

The Merediths remained a short time in Washington, having, as I mentioned, General Taylor's widow and daughter as their guests until their return to their home in the far southwest. Mr. Meredith returned with his family to Philadelphia and resumed in the fall of 1850 the practice of his profession at his old residence, 9 York Row. Many changes, however, had occurred in his short absence. Of his seniors such as Sergeant, Chauncey, Binney, Joseph R. Ingersoll, some were deceased and others retired from practice, and he found the active work

of the Bar largely in the hands of his juniors. From that time, though but little over fifty, Mr. Meredith, while recognized as the head of the Bar, practiced almost entirely as senior counsel, and rarely appeared in court without a junior, and increasingly the resort to his office was by the junior members of the Bar, some not much younger in years, it is true, than himself, to obtain his powerful aid as senior. He was the senior selected by his fellow lawyers in almost every case in which they could have their choice. And many clients, remembering his former triumphs, were anxious his services should be secured in all important cases, so that it may well be that in its new form, his practice was as lucrative as well as conspicuous as formerly, while it was much less laborious, and gave him an opportunity for relaxation and a return to literature and general reading, in which he delighted. Soon after his return to Philadelphia, Mr. Meredith was nominated for the Supreme Court by the party of his tried affection, the old Whigs. The political tide was, however, then running strongly Democratic and Mr. Meredith was carried down with his party to defeat. He therefore never held judicial office, and what would have been his success or achievement on the bench must remain a matter of conjecture. Pennsylvania certainly lost by his defeat a judge of profound learning, great power of expression and the loftiest and most delicate sense of right and justice. In 1852 Mr. Meredith warmly supported General Scott for the Presidency, and it seems to have been the public expectation that if General Scott had been elected, Mr. Meredith would have again been a member of the cabinet. A caricature in the Democratic Review for August, 1852, represented Mr. Ewing, of Ohio, Mr. Meredith and Horace Greeley as the three witches preparing General Scott's hasty soup in the charmed cauldron, while Mr. Seward hovered over them as Hecate. In the year 1854 Mr. Meredith lost his wife, to whom he had been united for 20 years of happy wedded life. She left him five children, a son and four daughters, to whom he was

tenderly attached and to whom he fulfilled most devotedly every parental duty.

Soon after his wife's death Mr. Meredith gave up the home on York Row, where his wedded life had been spent, and moved both his office and dwelling to the old house in Fourth street. Here he kept his home until his death in 1873. It would take far more time than space can afford me to allude to even a few of the more important cases in which Mr. Meredith took part and in which he scored repeated triumphs in the ten years which elapsed between his return from Washington in 1850 and the time when the stirring events of 1861 recalled him to political life. He was senior counsel for the Reading Railroad, and argued many cases for that great corporation with brilliant success. He was the recognized head of the anti-slavery men of Philadelphia, and appeared in several cases on behalf of those active in that cause; notably in the *Passmore Williamson Habeas Corpus*, in which he was less successful than usual so far as winning his case was concerned, but in which his splendid powers as an orator and lawyer shone with unexcelled brilliancy.

One important case he argued and won during that period is deserving of reference both for itself and because it was one of the first occasions of his crossing swords with Edwin M. Stanton then looming up as the leader of the Pittsburgh Bar and afterwards Meredith's warm friend. This was the case of *Mott v. Penna. Railroad Co.*, 30 Pa. St. 9, a case of a bill for Injunction brought by the Canal Commissioners in the Supreme Court to prevent the Governor of the State from selling and the Pennsylvania Railroad Co. from buying under the provisions of the Act of 1857 the Morris Line of Public Works consisting of lands and railroads in which besides the purchase price it was given the privilege of acquiring for \$1,500,000. perpetual immunity from taxation and other privileges. The able counsel for the Railroad relied upon the Federal Decisions in 16 and 18 Howard reversing the decisions of the Ohio Courts on the sub-

ject. The late Mr. John C. Bullitt in his reminiscences of the Bar spoke of Meredith as having risen to the greatest height of oratory in his argument of this case. Mr. Bullitt rightly spoke of Mr. Meredith as an "Ingrained Pennsylvanian" and said that while not a partizan of State rights as commonly understood he was jealous of the rights, dignity and honour of his native State. He believed the effect of the acquisition of the State Line under the provisions of the Act of 1857 would be to subordinate the Commonwealth to the corporation. This aroused to the utmost the indignation of his Lion-like nature and his argument was one of the greatest he ever made. It was completely successful. The Statute was held unconstitutional on the broad ground that no legislature can disarm their successors of the powers or rights of sovereignty unless so authorized by the Constitution, and the injunction was granted by the Supreme Court which heard the case in Banc. When ultimately the Penna. R. R. Company did acquire the State Line it was under another Statute with entirely different provisions.

It was a time in which he was able to enjoy more leisure and give himself more to private and family life than in any other period of his career. It was not the day of extended briefs, and he had little need for them. Oral conference with his juniors, often prolonged, it is true, into the night, gave him the facts of the case, which his wonderful memory enabled him to retain almost without a note, and the same memory kept ready for his immediate use the vast stores of learning accumulated during his earlier years; so that little preparation beyond this conference with his juniors was needed. Sometimes, indeed, he knew little about a case before he went into court, and all his preparation was made while listening to his colleagues and his adversary, sometimes sitting, but often pacing round the court room outside the rail, or bringing himself to a halt by the bar, with one foot on the steps leading to the bench. Of course he read the volumes of Pennsylvania Reports as they

came out, but he did not, do much other legal reading. He had not much interest in modern English Decisions and for the most part seemed to think that the old English decisions before the Revolution and our own Pennsylvania cases supplemented by some of the reports of the decisions of great jurists in our sister states, and the federal tribunals, furnished a sufficient source from which to draw the legal principles he sought to enforce. He therefore was able to give much time to general reading. He bought a complete set of the bound volumes of *Blackwood's Magazine* from its earliest days, and read them through with unflagging interest. He had, I suppose, in his youth read many of its numbers which directed his attention particularly to it. He delighted in Christopher North and the *Noctes Ambrosianae*, as well as in its vigorous and acrid political discussions.

He was fond of both chess and whist. Often when the door was shut between the front and back offices he would be found in the semi-octagonal back office playing a game of chess with his brother, afterwards General Sullivan Meredith. He did not much seek for society out of his home, but his house was always a cheerful one; besides his immediate family it was constantly full of his nephews and nieces, and was most gay when he was persuaded to come up from the office and be the center of the circle. His house was the constant resort of his brethren of the bar and the bench, particularly of lawyers and judges from the interior of the state.

Always strongly opposed to the extension of slavery to the territories, he affiliated himself with the Republican party after the breaking up of the Whigs and supported Fremont in 1856, and Lincoln in 1860. When the mutterings of rebellion were heard after Lincoln's election and so many in the north were carried away with a passionate anxiety to save the Union, at any sacrifice, Governor Curtin, in compliance with popular desire, appointed a delegation from Pennsylvania to take part in the so-called Peace Congress which met in Washington in the early months of 1861. William M. Meredith was



naturally selected as one of this delegation and went to Washington and participated in its deliberations, though without much confidence or expectation of any favorable result from any action it might take. It goes without saying that, incapable of being influenced by fear or favor, he stood with David Wilmot like adamant against any compromise of principle or surrender of what he thought right, and as Judge Cadwalader justly said at the bar meeting held after his death:

“As a member of the body called the Peace Congress, convened at Washington for that unsuccessful effort, he secured the respect of those who differed from him by his manly adherence to views which were ultimately carried out to a successful termination.”

The inevitable happened, the war broke out, and Mr. Meredith, back in his home in Philadelphia, worked and hoped and feared, like his fellow-citizens, through the anxious spring of 1861, before the new call of public duty came to him. His health had become impaired as all his friends knew, by the gout from which he was a constant sufferer, but few knew how much. But he and his beloved physician, Dr. Casper Morris, knew well how serious, even critical, his condition was. His robust and stalwart appearance in those days, however, and his hearty and cheerful demeanor misled most of his friends and acquaintances. As early as the first days of that momentous summer, besides the national danger, a great peril menaced the Commonwealth of Pennsylvania. A cloud of scandal threatened to overwhelm the state administration, and destroy its usefulness at the time when it was most important that the Governor's hands should be upheld in the common effort to sustain the cause of Freedom and the Union.

The Governor had called a special session of the legislature to meet on May 1st and the legislature had passed among other war measures, a bill to raise a loan of three millions of dollars, a large sum in the early days of the war, and to raise and equip a division of troops in advance of the call of the National Government. Meanwhile, the state had been supplying to the soldiers raised in

compliance with earlier calls, clothing and equipment in advance of the same being supplied by the Government at Washington. It was as to this clothing and equipment that the scandal and excitement arose. It probably was the case that some contractors behaved fraudulently. Other deficiencies may have arisen only from the haste and inexperience of those in charge of matters; but there was enough apparently wrong to cause a great public outcry and a demand for investigation. The *Inquirer* a steady Republican paper joined the opposition journals in violent attack on the Governor and his administration. At this critical moment on the Twenty-fourth day of May, Mr. Samuel N. Purviance, the Attorney-General appointed at the opening of Governor Curtin's term in January, 1861, suddenly resigned his position in this brief note to the Governor. "For reasons which appeal to my self-respect I cannot consent to continue any longer in connection with your administration. I therefore hand you my resignation of the office of Attorney-General of the State." It is not important for the purpose of this paper to examine the motives or reasons which prompted this hasty action. But it fell like a thunder-bolt on the people of Pennsylvania. Mr. Purviance, while not a man of transcendent ability, was thought to be a man of character and judgment, and possessed the confidence of the public. And when at such a time this resignation came in the midst of the scandalous rumors and whisperings of which the air was full, public confidence was paralyzed. Recruiting was checked, but still more dangerous was the effect on capital. The plans which were under way to supply funds to raise and equip Pennsylvania's soldiers and to put the Commonwealth in the position she ought to occupy in the national crisis were blighted as by a sudden frost. Governor Curtin and the friends of his administration were told by the best financial authorities that unless something could be done to restore public confidence, by the assurance that the honor of the administration was under the guardianship of one, whose character was such that scan-

dal and suspicion must shrink away from his very name, it would be vain to seek to raise the necessary loans, and the administration must hopelessly collapse. The *Philadelphia Inquirer* said on May 30, "Honest men cannot stand the pestilential atmosphere of Harrisburg, they must abandon their integrity or follow Mr. Purviance." In this crisis Governor Curtin's mind turned to Mr. Meredith as the head of the Republican party in Philadelphia, as well as the leader of the Bar, and a man whose character not merely for integrity, but for abhorrence of the slightest hint of dishonesty, was so universally recognized, that if he could be persuaded to take the vacant Attorney-Generalship the situation could be saved. Could he be induced to make the sacrifice? At his age and in his condition of health to exchange his comfortable and happy home in the midst of his loving family in Philadelphia, with a practice more than ample for his wishes and yet such as he could manage without too much strain, for the arduous duties of the Attorney-General, in war time; necessarily to be kept at Harrisburg, with its limited accommodations and comforts, amid the *sturm und drang* of the creation of an army, with every kind of new question and responsibility thrust upon him, and with the limited salary given by the state in place of the lucrative remuneration of his practice in Philadelphia. It was late on a warm May evening when Meredith's family were already in bed, that Governor Curtin and some other friends, among whom was Morton McMichael, found Meredith reading in his back office, and told him of the situation and their errand. Mr. McMichael afterwards said it was one of the most impressive scenes he ever saw. Meredith at first declined. The Governor threw up his hands, and said, "Then the State Administration is gone." Their conference lasted late into the night. The following day a meeting with the leading bankers of Philadelphia followed. Dr. Morris protested against Mr. Meredith's acceptance of the position, expressing the belief he could not live a year, probably not six months, if he went to Harrisburg. Mr. Meredith, however, saw the path of

duty, as he believed it, and did not long hesitate. To the surprise and delight of the people of Pennsylvania he accepted the position, which fact was announced on June 1st and he qualified as Attorney-General June 3, 1861. It was none too soon. A public meeting of citizens to denounce the so-called clothing frauds had already been held. The situation cleared as if by magic. Confidence was restored forthwith, and the loan was taken at once. Recruiting went on with renewed vigor, and besides filling every call, Pennsylvania raised and equipped that splendid body of troops known as the Pennsylvania Reserves, in advance of National requisition. Mr. Meredith, I should mention, had satisfied himself of the purity of the administration, and that the graver charges were without substantial foundation, as in fact subsequent investigation proved; but the people took his acceptance of the position of Attorney-General as in itself a refutation of the charges, and did not ask further reasons for a renewal of their confidence in the administration. Of the importance of Meredith's unselfish and patriotic action at this crisis no one certainly was more qualified to speak than Governor Curtin himself. In his speech in the Constitutional Convention he said that it was true that Mr. Meredith had accepted with reluctance the office of Attorney-General, "and the Executive from whom he received that office is not ashamed to say to-day and in this distinguished presence that he did earnestly solicit Mr. Meredith to take a place near him as his chief adviser, and that his acceptance of the office of Attorney-General dissipated a cloud which hung over the administration, and gave new vigor to executive power. For his services then, if for no other act of his life, the people of the state are under grateful obligation to him, and the Executive he served under a lasting debt of gratitude which he will ever feel and acknowledge." Meredith went to Harrisburg in June, 1861, expecting at first to remain but a short time, but remained, as it turned out, during both Governor Curtin's administrations, so that he did not return to Philadelphia until the termination of the Gov-

ernor's second term in January, 1867. During all that time he lived in a room in Mrs. Espy's boarding-house, looking out upon the Susquehanna, and except during occasional visits to his home in Philadelphia, and except when, as too often, laid up by illness, spent his days in the Attorney-General's office in the capitol or in court. His work during the greater part of this time was very arduous. In an early letter to one of his daughters (written June 19, 1861,) he wrote: "I was up on the Hill, as they call it here, by half-past seven, and I am writing to you at about eight o'clock. So you see what an improvement has taken place in my habits." A week later he wrote: "Breakfasting at seven, working hard all day, and going to bed at nine or half-past, as I am generally glad to do, makes altogether rather a hard day." Certainly a contrast to the comparatively leisurely manner in which he was able to attend to his practice at home. Besides the ordinary work of the office, a vast deal of labor and responsibility in war matters came naturally into his hands. He was intensely interested both that Pennsylvania should do her full share in the war, and that her contributions and sacrifices should be recognized and appreciated, and his correspondence shows his close and minute knowledge of the raising, organization and off-cering of Pennsylvania's quota of troops, his pride in their number and efficiency, and his earnest efforts that they should receive just treatment at Washington. I may refer particularly to a letter of October 25, 1861, when he wrote: "Pennsylvania at this time has actually in the field 69,980 men, and within ten days will have 12,837 more, making 82,817 men. In addition she is preparing and will soon send 18,253 more men, which will make her total, exclusive of the three-months' service, 101,070 men. This is greatly more than any other state has done. She has now actually in the field at least one-fourth of the whole army." His brother, Sullivan Meredith, afterwards Brigadier General, was in those early days raising his regiment, and his nephew, soon afterwards his son-in-law, James C. Biddle, son and namesake of his

old friend and colleague, was in the field. For them and many other Pennsylvanians in the army, some of them relatives, he cared like a father. The relations, never too friendly, between Governor Curtin and Secretary Cameron, had become severely strained, and Mr. Meredith naturally took up the important task of conducting the more important correspondence with the War Department at Washington. Although his relations with Secretary Cameron were never intimate, they were not unfriendly, and Mr. Cameron had like all the people of Pennsylvania the highest admiration for Mr. Meredith. Thus Pennsylvania's relations with the National Administration were much improved by Mr. Meredith's intervention. With Mr. Seward, the Secretary of State, relations of friendship and cordiality had subsisted since old Whig days. As showing Mr. Cameron's high appreciation of Mr. Meredith, it seems not inappropriate to introduce an incident here, although in time it belongs a little later. Mr. Meredith never accepted the view taken by many lawyers at that time, that the President possessed the right to suspend the writ of habeas corpus, and dissented entirely from Mr. Binney's opinion as expressed in his pamphlet. He agreed that the Secretary of State and Secretary of War were entirely right in making the arrests they did during the early period of the war, being justified by military necessity. But he insisted that their action must be regarded as extra-legal, and that Congress alone had the right to suspend the writ. Somewhat later in the war, I think after Mr. Cameron's resignation of the War Office, civil actions for heavy damages were brought by some of those arrested in the incipient days of the rebellion against him and Mr. Seward. They were much disturbed by these actions and asked Mr. Meredith to undertake their defence. He frankly told them he did not regard them as having any available legal defence, unless, following English precedent, Congress should pass an Act of Indemnity, ratifying and approving their course. Following his advice such an Act of Indemnity was obtained from Congress and the actions were abandoned.

In the summer of 1861, Mr. Meredith was nominated for Congress to fill a vacancy but declined the nomination, which would doubtless have meant an election. We cannot help feeling a wish Philadelphia could have been represented in Congress by William Morris Meredith during those momentous days, but he rightly felt Pennsylvania could not spare him from Harrisburg. His ease of composition and his direct and forcible style naturally led to a majority of the important state papers of the period being prepared by him, although not bearing his name. Among others I may mention that most of the Thanksgiving proclamations of the period, whose beauty attracted so much attention, were due to his pen. One of them, that of November, 1865, was set to music and sung in the churches as an anthem, a circumstance which interested Mr. Meredith very much. It need not be said that these state papers were of great strength and force, and produced great effect at Washington, where Mr. Meredith's power and insight were soon recognized.

When his friend, Edwin M. Stanton, became Secretary of War Mr. Meredith's opportunities for usefulness to the state were much augmented, and besides what he effected by public and official communication, he was able by reason of his personal relations to Mr. Stanton and the latter's confidence in him, to accomplish much for Pennsylvania and her sons, on whose behalf he was indefatigable. Mr. Meredith was warmly attached to General Meade and it is probable that the selection of the victor of Gettysburg to command the Army of the Potomac, was in great measure due to Mr. Meredith's advice, and influence with Mr. Stanton.

It was Mr. Stanton's wish that Mr. Meredith should succeed Mr. Bates, of Missouri, as Attorney-General of the United States. The position was never formally tendered to him, but at Mr. Stanton's request he visited Washington for a conference with Mr. Lincoln. Mr. Meredith's conclusion, however, was not to leave the service of his native State, but to give Harrisburg the preference over Washington.

Mr. Meredith, had of course, the ordinary routine of his office to attend to, and with less assistance than Attorney-Generals have nowadays. In a later letter to one of his daughters he wrote: "I have just come from court, where I have been since nine o'clock this morning. I was there yesterday morning and afternoon. They adjourned at one and met again at two and in the interval I had to dine. To-morrow morning I must be there again at nine. Is not this a hard and laborious sort of life?" He suffered greatly from pain and illness and was often confined to his room for weeks at a time, but endured the labor and suffering and persevered in his patriotic duty. He received skilful medical advice from Dr. Rutherford and faithful kindness and attention from Mrs. Espy. At first he thought his detention at Harrisburg would be short, and afterwards, when Pennsylvania was invaded each summer, thought Harrisburg too near the seat of war, often resembling as it did more a camp than a capital, to bring his daughters thither.

He still, in those troubled days, found time for literature. He wrote to his daughters about Shakespeare, Don Quixote, Gil Blas, Horace Walpole, Isaak Walton, Froude and Dean Stanley, the latter two new authors whom he read first at Harrisburg. Froude he liked much notwithstanding what he thought his rough and rather uncouth style. Stanley he thought guilty of fine writing, which he detested. One day he wrote:

"I have been reading the 'Pilgrims' Progress' again. It is the only allegory that I could ever read at all, and it is quite as interesting and lively as the best novels, and as Bunyan had a clear head and knew no language but the common, vulgar English, the English of our Bible, the story is a model. The persons are all real persons. The grave, kind old gentleman, Mr. Interpreter at the Beautiful House, is such a contrast to the lively young ladies at the palace near the Valley of Humiliation, Discretion, Piety, Faith and Charity. The cautious inquiries before admitting Christian—the old porter after satisfying himself must ask the young ladies. Discretion comes out—and makes her own inquiries—then goes in to consult. It is Cranford over again, only the maids are not old. Then the cheerful talk they keep up, the reluctance to let their only beau depart—keeping him from day to day to show him new scenery, and at last when he goes, they must just throw on their bonnets and walk with him to the foot of the Hill, and then bidding him good b'w'ye, they produce a small package of refreshments that he may want on his journey.



"Then there is such a vein of apparently unconscious humor running thro, here and there. You see Adam the first trying to hire Faithful as a servant, and poor Faithful, though half tempted, finally refuses. Then old Adam gets furious and gives Faithful a tremendous pinch, so that he thinks part of his flesh must be torn out.

"After he leaves Adam, Moses comes up, and without a word knocks Faithful down—when he gets up knocks him down again, and when the unhappy Faithful asks him what it is for, Moses tells him because he, Faithful, had been half inclined to go with old Adam. Faithful then begs for mercy, but Moses tells him that he can show no mercy—and knocks him down again worse than ever, and Faithful says he certainly would have been killed if One passing by had not told Moses to forbear.

"It is odd that two of the greatest writers of fiction or poetry should have been Dr. Fox, a linendraper, and Bunyan, a tinker. Neither of them was admitted by his contemporaries to belong to literature at all—in fact they were too thoroughly despised to be even mentioned by any other writer of the day, and yet after two hundred years they are read with passionate admiration while their supercilious contemporaries are scarcely read at all. With all its charm of a lighter character, the 'Pilgrims' Progress' is the most tender and touching scheme of Christianity that human hands ever constructed."

This letter is given almost in its entirety because of the glimpse it gives of Mr. Meredith's characteristic humor, not exempt from the paradox in which he took pleasure.

Towards the end of his service as Attorney-General occurred the argument before the Supreme Court at Wilkesbarre of the case of *Commonwealth v. The Atlantic and Great Western Railroad*, which was described by Mr. Cuyler and by the late Chief Justice Woodward as the greatest professional struggle they ever witnessed. Meredith, of course, represented the Commonwealth, and is said to have surpassed himself, while Judge Black, an intimate friend of Meredith, despite political antagonism, shone with his usual brilliancy on the other side.

It was the first and last time the Supreme Court ever sat at Wilkesbarre, and it produced a great sensation. Chief Justice Woodward related, as showing the impression produced by this struggle, that a lawyer of respectable practice and position in Wilkesbarre came to him after hearing the argument and told him he was going to take down his sign as an attorney and close his office, that if it was this to be a lawyer he had been practicing for years without being one and felt hopeless of

ever becoming one. The Chief Justice told him if he would go home and study the old entries, the statutes, and the common law in its history as Mr. Meredith had for twelve years before getting into active practice, he might hope to break a lance in such a contest as he had witnessed, *Omnia vincit Labor Improbis*.

Mr. Meredith saw the war end during his term of office and the process of Reconstruction begin. He disapproved of much of what was done in the way of Reconstruction, both what Mr. Lincoln began and what Andrew Johnson went on with. He deemed the terms granted to the South too mild, and the restoration of political rights, particularly to the leaders, too early.

Consistent in his opinions, however, he was equally opposed to the amendment granting suffrage to the negro. In his judgment the negro was certain soon to fall, under the dominating influence of his former masters so that the result, he thought, would be to increase the power of the South. In fact, Meredith approved neither of universal amnesty nor universal suffrage. The ultimate result of the latter seems to tend to confirm Mr. Meredith's expectations though brought about in another way. In the early period of his Attorney-Generalship he took part in organizing the Union League, a body which did incalculable good in those stormy days in organizing and uniting patriotic sentiment and action, and was the first president of that great association.

When Mr. Meredith finally returned to his home in 1867 his health was much broken and his vitality decidedly impaired. His practice was of course lost by six years' absence during this period of rapid change and development. He was, however, still retained as senior in many cases, quite as many, in fact, as his failing strength would allow him to take part in. His physical vigor, formerly so remarkable, had departed. He moved slowly and feebly, and his voice had lost much of its resonance and power, and would only hold out for a brief half hour or so. Indeed, during the remaining period of his life his arguments for the most part occupied but fif-

teen or twenty minutes. They were still models of their kind. The one or at most two leading points in the case would be selected, and the argument in the most condensed language and irresistible logic concentrated upon them, and they retained their old effectiveness, but it was most apparent that he had given to the Commonwealth he so dearly loved the vigorous autumn of his powers, and that the chill of winter was coming over his marvelous eloquence. It was written that the last of his strength and the remaining years of his life should be given to his state and to his country. Mr. Meredith was selected by General Grant as one of the counsel to present and argue the case of the United States before the Geneva Tribunal. He accepted the duty and took an active and efficient part in the preparation of the case, and of the briefs presented. The ultimate decision of the case in favor of the United States, is stated to have been essentially upon the lines of the argument Mr. Meredith prepared. It is certain he strongly dissented from the portion of the case and argument, which was overruled by the Tribunal. It would have been almost too much to hope that he could in the condition of his health have been able to make the voyage and conduct the argument, and his relinquishment of the journey to Geneva, was undoubtedly wise, though a great disappointment to Pennsylvania. With his usual magnanimity in financial matters Mr. Meredith refused to accept any compensation from the United States for his advice and services in the preparation of the case. Equally honorable and laborious duty, however, occupied him at home. He was elected in 1871 at the head of the Republican ticket as a member of the Constitutional Convention of 1872-3, and was elected, by the unanimous vote of the members of the Convention when they assembled, their President. He gave himself unreservedly to the great task committed to this body, and worked assiduously with it until his last illness in June, 1873, when he appointed Mr. Walker President pro tem in his place, expecting to be able ere long to resume the chair. His expectation was not rea-

lized, however. The potent poison of his disease at last o'ercrowed his spirit and he passed away August 17, 1873. His indomitable will, in fact, had sustained him for years past against the pressure of illness and infirmity, that would have held almost any one else a prisoner in his room. Friends and acquaintances had met him on his way from his Fourth street house to the Convention, so exhausted he could hardly put one foot before another, leaning against a lamp-post to recover strength and save himself from falling, but he went on to the Convention hall, and did not relinquish the gavel until it fell from his hand. The records of the last as of the earlier Convention are full of the service which, with his last failing powers, he did the state. Pennsylvania has never mourned a greater son nor one whose memory and example should be more precious to her people.